

The Hon. John C. Coughenour

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

TIMMOTHY WAYNE TARTER,

Defendant

NO. CR22-0135-JCC

[~~PROPOSED~~]

ORDER OF FORFEITURE

THIS MATTER comes before the Court on the United States' Motion for Order of Forfeiture ("Motion") seeking to forfeit, to the United States, Defendant Timothy Wayne Tarter's interest in a sum of money (also known as a forfeiture money judgment) in the amount of \$264.38 reflecting the unrecovered proceeds Defendant Timothy Wayne Tarter obtained from his commission of *Theft of Government Property*, in violation of 18 U.S.C. § 641.

The Court, having reviewed the United States' Motion (Dkt. No. 35), as well as the other papers and pleadings filed in this matter, hereby FINDS entry of an Order of Forfeiture is appropriate because:

- 1 • The proceeds of *Theft of Government Property*, in violation of 18 U.S.C. § 641,
2 are forfeitable pursuant to 18 U.S.C. § 981(a)(1)(C), by way of 28 U.S.C.
3 § 2461(c);
- 4 • In his Plea Agreement, Defendant agreed to forfeit, pursuant to 18 U.S.C.
5 § 981(a)(1)(C), by way of 28 U.S.C. § 2461(c), the proceeds he obtained from the
6 commission of *Theft of Government Property*, to which he entered a guilty plea
7 (Dkt. No. 31, ¶ 12);
- 8 • Defendant Tarter admitted that he obtained proceeds from this offense of
9 approximately \$1,760.78 (Dkt. No. 31, ¶ 12);
- 10 • Subsequently, Defendant Tarter returned to the United States 2,580 stamps, with a
11 value of approximately \$1,496.40, which reduced his unrecovered proceeds to
12 \$264.38;
- 13 • The forfeiture of this sum of money is separate and distinct from the restitution
14 ordered in this case.
- 15 • The forfeiture of this sum of money is personal to Defendant Tarter and, pursuant
16 to Federal Rule of Criminal Procedure (“Fed. R. Crim. P.”) 32.2(c)(1), no third-
17 party ancillary process is required before forfeiting it.

18
19 NOW, THEREFORE, THE COURT ORDERS:

20 1) Pursuant to 18 U.S.C. § 981(a)(1)(C), by way of 28 U.S.C. § 2461(c), and
21 his Plea Agreement, Defendant Tarter’s interest in a sum of money in the amount of
22 \$264.38 is fully and finally forfeited, in its entirety, to the United States;

23 2) Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) – (B), this Order will become
24 final as to the Defendant Tarter at the time he is sentenced; it will be made part of the
25 sentence; and, it will be included in the judgment;

26 3) No right, title, or interest in the identified sum of money exists in any party
27 other than the United States;

1 4) Pursuant to Fed. R. Crim. P. 32.2(e), in order to satisfy this Order forfeiting
2 the sum of money, in whole or in part, the United States may move to amend this Order,
3 at any time, to include substitute property having a value not to exceed \$264.38; and

4 5) The Court will retain jurisdiction in this case for the purpose of enforcing
5 this Order, as necessary.
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7 DATED this 3rd day of March 2023.
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12 John C. Coughenour
13 UNITED STATES DISTRICT JUDGE
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15 Presented by:
16

17 s/Krista K. Bush

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